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London County Council.

CENSORSHIP OF CINEMATOGRAPH FILMS.

PROCEEDINGS OF THE COUNCIL ON 19TH FEBRUARY, 1929.

London. County council.

Report of the Special Committee on Procedure for Licensing Places of Public Entertainment.

30th January, 1929.

Censorship of cinematograph films.

1.—The Council on 26th June, 1928 (p. 896), on the motion of Mr. Ray, seconded by Mr. Hobbs, resolved—

That it be referred to the Special Committee on Procedure for Licensing Places of Public Entertainment to consider and report what is the procedure followed by the Council in relation to the public exhibition of films—

(1) Which have not been submitted to the British Board of Film Censors for approval, and

(2) Which have been submitted to the British Board of Film Censors and have not received their approval, and as to the procedure in regard to the censorship of films generally.

We have had the advantage of hearing the views of the mover of the motion.

A report dealing with the history of the censorship of cinematograph films in this country, and embodying information obtained as to the position in the provinces and in certain foreign countries, has been submitted to us by the clerk of the Council, and we have given instructions for copies to be sent to members. Copies will also be placed on sale. The information with regard to European countries has been obtained through the International Union of Local Authorities, and we desire to express our appreciation of the services rendered.

(i) *The position in London—The British Board of Film Censors.*

The power to deal with the character of films is derived from a provision of the Cinematograph Act, 1909, which authorises the licensing authority to attach conditions to the grant of licences. Until 1916 the Council imposed no conditions, limiting its action to inquiry into complaints, and from 1916 to 1921 the only condition attached to such licences was one providing that no films should be displayed which were likely to be subversive of public morality.

In 1912 the British Board of Film Censors came into existence. The Board is not an official authority, but is an organisation maintained by persons engaged in the cinematograph industry.

In 1916 the Secretary of State raised the question of the establishment of an official censorship of films, and in this connection the Council on 30th May, 1916 (p. 553), expressed the opinion that the establishment by the Government of an official and independent censorship of films, whose decision should be accepted by the licensing authority, was desirable. Conferences were held, but no action was taken, and on 30th December, 1918, the Council was informed by the Secretary of State that legislation on the subject was "impracticable in the existing circumstances."

Between 1916 and 1921, the beneficial effect of the work of the British Board of Film Censors became increasingly apparent. The Cinematograph Exhibitors' Association had, on several occasions, asked the Council to prohibit the display, for profit, of uncensored films, and to place a condition to that effect on the licence. Although the Council had not officially recognised the work of the Board, the Theatres and Music Halls Committee had, for some time prior to 1921, endeavoured to obtain a promise from applicants for licences that they would show only films which had been passed by the Board.

On 20th December, 1921 (p. 861), the Council decided to accept generally the decisions of the Board in regard to films to be exhibited. The conditions giving effect to the Council's decision are embodied in No. 8 of the rules of management annexed to cinematograph licences granted by the Council, and are as follows:—

8. (*a*) No cinematograph film shall be exhibited which is likely to be injurious to morality or to encourage or incite to crime, or to lead to disorder, or to be in any way offensive in the circumstances to public feeling, or which contains any offensive representations of living persons.

(*b*) No cinematograph film—other than photographs of current events—which has not been passed for "universal" or for "public" exhibition by the British Board of Film Censors shall be exhibited unless the licensee obtains the express consent of the Council in writing.

(*c*) Immediately before the exhibition of each cinematograph film passed by the British Board of Film Censors a reproduction of the certificate of the Board or, as an alternative, if such certificate is not available, a slide giving the name of the film, stating that the film has been passed by the Board and giving the category in which the film has been placed, shall be exposed in such a manner that it shall be legible to all persons attending the exhibition.

(*d*) Unless the licensee obtains the express consent of the Council in writing no cinematograph film—other than photographs of current events—which has not been passed for "universal" exhibition by the British Board of Film Censors shall be exhibited at the premises during the time that any child under or appearing to be under the age of 16 years is therein, provided that this rule shall not apply in the case of any child who is accompanied by a parent or *bona fide* adult guardian of such child.

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(*e*) Nothing in the foregoing rule shall be deemed to relieve the licensee of his personal responsibility for any cinematograph films shown which may, in the opinion of the Council, be detrimental to the public interest.

The effect of clause (*b*) of the rule is that the Council's written consent must be obtained to the showing at premises licensed by the Council for cinematograph exhibitions of any film (except photographs of current events) which has not been passed by the Board.

(ii) *Films which are specially dealt with by the Council.*

The films which are specially dealt with by the Council, fall into three groups :—

(i) Films not submitted by the trade to the Board (owing to the well-known practice of the Board not to deal with films falling within certain categories, e.g., religious films having certain characteristics or incidents, and propaganda films) but submitted for the Council's consent.

(ii) Films, banned by the Board, submitted for the Council's consent by way of appeal.

(iii) Films, passed by the Board, giving rise to protest by a section of the public.

The number of films coming within the groups (i) to (iii) inclusive, considered by the Theatres and Music Halls Committee during the past five years, have been (i) 4, (ii) 7, and (iii) 1.

By an arrangement made in 1923 with the Middlesex County Council, such films are inspected jointly by five (increased to seven in March, 1928) representatives of each authority. The Council's representatives are the five members of the Inspection of Films Sub-Committee of the Theatres and Music Halls Committee. Neither the Committee nor the Sub-Committee have laid down any rules in regard to the inspection of films, but each case has been considered on its merits and such conditions have been imposed as have been considered necessary or desirable. These conditions have been based on those laid down by the Council on 27th July, 1920 (pp. 278–9), in respect of the exhibition of propaganda films dealing with venereal disease, with the alteration in the limit of age from 18 to 16 years, as was agreed to by the Council on the 19th February, 1924 (p. 281).

Under the arrangement indicated above, the joint representatives have inspected twelve films, including three propaganda films and two religious films. The two religious films had not been dealt with by the Board, but, contrary to its usual practice of not viewing propaganda films, the Board had inspected and rejected one of the propaganda films. Six of the other films had also been rejected by the Board, and one film had been passed by the Board for "public" exhibition ("A" certificate), but the Council had received complaints as to the character of the film.

In 11 cases a unanimous decision was arrived at by the joint representatives, and joint reports were submitted to, and adopted by, each authority. In one case ("I.N.R.I."), divergent views were expressed by the joint representatives, but the exhibition of the film was permitted in premises licensed by the Council, and was subsequently allowed in Middlesex. In five of the seven cases in which a certificate by the Board had been refused, the showing of the film was prohibited; and in the two remaining cases (one a propaganda film) permission to show the film was granted, subject to the observance of certain conditions. In the only case passed by the Board the exhibition was at first prohibited but after modifications had been made no further objection was raised to the film being shown.

(iii) *Occasional exhibitions.*

Section 7 (2) of the Cinematograph Act, 1909, enables premises to be used without a licence occasionally and exceptionally and on not more than six days in any one calendar year for cinematograph exhibitions with inflammable films, subject to seven days' previous notice being given to the licensing authority and to the chief officer of police of the police area, and to compliance with the regulations made by the Secretary of State and with any conditions imposed by the licensing authority.

In the case of such "occasional" exhibitions, no censorship conditions are as a rule imposed, and the Theatres and Music Halls Committee have not hitherto found it necessary in connection with such exhibitions to consider the question of attaching any general conditions relating to the character of the films exhibited. There have, however, been two exceptions. On 24th January, 1924, in connection with the proposed showing at the Albert Hall of the film "Southern Love," a "censorship" condition similar to rule of management 8 was imposed, but the British Board of Film Censors passed the film before it was actually exhibited. On 25th February, 1928, a similar condition was also imposed in connection with the proposed exhibition in the Albert Hall of the film "Dawn." As a result, the exhibition was abandoned and an application was subsequently made to the Council for permission to show the film at all licensed premises under its control.

It has not hitherto been the practice in the case of "occasional" exhibitions to attach any "censorship" condition in respect of (i) cinematograph trade shows in unlicensed premises, (ii) religious and other special films, (iii) cases in which lack of time renders it impossible for a film to be submitted to the British Board of Film Censors. In the case of propaganda films however, if it is known that it is intended to exhibit such a film, specially stringent conditions as to advertisements, posters, types of audiences, approval by recognised society, restrictions upon the exhibition of other films at same performance, exclusion of children or young persons, etc., are imposed.

The majority of "occasional" exhibitions are given in church halls or town halls. Many of the films shown in these buildings are of a semi-religious character or come under the category of "propaganda" films. Many films of this latter class are exhibited in connection with "health weeks."

As regards "propaganda" films, these are usually shown under the ægis of the British Social Hygiene Council, which is well acquainted with the Council's conditions governing their exhibition.

(iv) *Conclusions.*

We are of opinion that the establishment of an official and independent censorship of films functioning for the whole country and for all classes of films, as was suggested by the Council on 30th May, 1916

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(p. 553), would still be the most satisfactory solution of the problem. As has been pointed out, however, since the Council expressed that opinion the position in regard to the censorship has altered materially.

The British Board of Film Censors has continued to consolidate its position, and at the present time its censorship is accepted, we believe, by most of the licensing authorities throughout the country. So far as London is concerned, we are of opinion that the censorship of the Board has worked well, and the replies received from the licensing authorities in the country whom we have consulted show that there is no general demand for material modification of present arrangements. The view of the Government on the subject was indicated by the Secretary of State, who stated on 1st March, 1928 (in connection with the film "Dawn"), that he "had no sufficient evidence that the present system of censorship fails to secure, on the whole, an adequate standard . . . . His Majesty's Government is satisfied that this is a matter which is better left to the local authorities for decision."

In respect of the films which are not dealt with by the Board, or which come before the licensing authority by way of appeal or complaint, the chief difficulty arises from the lack of uniformity in the decisions of the licensing authorities. As regards the only measures which have so far been taken to meet this difficulty, it should be noted that the arrangement with the Middlesex County Council for the joint inspection of such films has resulted in a unanimous decision in 11 out of 12 cases, and we consider that it is a matter for regret that it has not been found possible to secure a greater measure of uniformity by the extension of the arrangements so as to cover the other home counties.

It is in respect of these limited and difficult classes of films that the crux of the existing position lies, and we can only regard this lack of provision for uniformity as unfortunate. Taking, however, a comprehensive view of the whole situation and giving due weight as well to the present limited numbers of these films as to the great preponderance of those which come within the scope of the British Board of Film Censors, we are not prepared to advise the Council to take any steps at the present time to secure the establishment of an official and independent censorship. If, however, the number of films submitted to the Council for decision should increase substantially, it appears to us that the matter may have to be reconsidered.

FRANCIS ANDERTON, *Chairman.*

The foregoing report was submitted to and received by the Council.

Montague H. Cox

Clerk of the Council.

THE COUNTY HALL,
WESTMINSTER BRIDGE S.E.1.
20*th February*, 1929.